

# Shainis & Peltzman, Chartered

Counselors at Law

Suite 290  
1901 L Street, N.W.  
Washington, D.C. 20036

(202) 293-0011  
Fax (202) 293-0810

Aaron H. Shainis  
Lee J. Peltzman

DOCKET FILE COPY ORIGINAL

Of Counsel  
William H. BuRoss, III  
Ruth S. Baker-Battist  
Robert J. Keller

February 17, 1998

RECEIVED

FEB 17 1998

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

6C 92-52

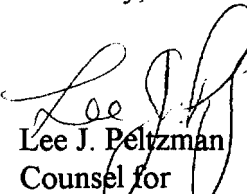
Re: MM Docket No. 97-234  
Implementation of Section 309(j) of the Communications Act

Dear Ms. Salas:

Transmitted herewith, on behalf of Orion Communications Limited is an original and four (4) copies of its Reply Comments in the above-referenced rulemaking.

Please contact the undersigned should the Commission have any questions with respect to these Comments.

Sincerely,



Lee J. Peltzman  
Counsel for  
ORION COMMUNICATIONS  
LIMITED



**RECEIVED**

FEB 17 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of Section 309(j)	)	MM Docket No. 97-234
of the Communications Act	)	
-- Competitive Bidding for Commercial	)	
Broadcast and Instructional Television Fixed	)	
Service Licenses	)	
	)	
Reexamination of the Policy	)	GC Docket No. 92-52
Statement on Comparative	)	
Broadcast Hearings	)	
	)	
Proposals to Reform the Commission's	)	GEN Docket No. 90-264
Comparative Hearing Process to	)	
Expedite the Resolution of Cases	)	

To: The Commission

**REPLY COMMENTS**

Orion Communications Limited ("Orion"), by its attorneys, hereby submits its Reply Comments with respect to the Notice of Proposed Rule Making ("NPRM"), FCC 97-397, released November 26, 1997. In support thereof, Orion submits the following:

Orion is limiting its Reply to the Comments filed by Willsyr Communications, Limited Partnership ("Willsyr"). Willsyr, like Orion, is an applicant for a new FM construction permit at Biltmore Forest, North Carolina. A review of Willsyr's Comments show them to be little more than a hostile collateral attack on the decisions of the Commission in granting Orion's application and the Court in directing the Commission to reinstate Orion as the interim licensee so that it could reinstitute broadcasting on Station WZLS (FM).

Rather than commenting on what rules the Commission should adopt with respect to competing applications, Willsyr has instead leveled an attack, not only upon Orion and its owners,

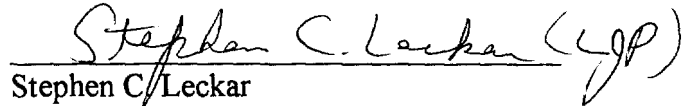
but also upon two United States Senators, the FCC's Chairman and Commissioners and the United States Court of Appeals for the District of Columbia Circuit. Willsyr has managed to allege a conspiracy involving all three branches of the U.S. Government. Willsyr's Comments have no bases in fact and, moreover, have no relevance to the questions before the Commission in this rule making. They are offensive, scurrilous and baseless and should be stricken by the Commission. Only those limited portions of Willsyr's Comments which are responsive to the issues discussed in the Commission's Notice of Proposed Rule Making should be considered by the Commission. Even those portions fail to support Willsyr's position that the Commission's limited use of streamlined comparative criteria in those handful of cases which have already been through a hearing would be unworkable and/or improper.

Accordingly, for the reasons stated above, Orion urges the Commission to strike those portions of Willsyr's Comments which are not only irrelevant to this rule making, but are also offensive to Congress, the Court, the Commission and to other applicants. While the Commission cannot take the figurative step of washing Willsyr's mouth out with soap, it at least can strike those portions of Willsyr's Comments which seek to slander innocent victims.

Respectfully submitted:

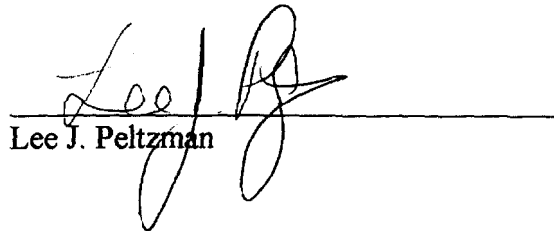
ORION COMMUNICATIONS LIMITED

By:

  
Stephen C. Leckar

Butera & Andrews  
1301 Pennsylvania Avenue, NW - Suite 500  
Washington, DC 20004  
202/347-6875

By:

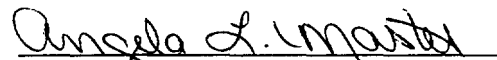
  
Lee J. Peltzman

Shainis & Peltzman, Chartered  
1901 L Street, N.W. - Suite 290  
Washington, D.C. 20036  
202/293-0011

## CERTIFICATE OF SERVICE

I, Angela L. Master, Secretary, of the law firm of Shainis & Peltzman, do hereby certify that copies of the foregoing document were sent, via First Class Mail, this 17<sup>th</sup> day of February, 1998, to the office of the following:

Stephen T. Yelverton, Esq.  
Suite 1250  
1225 New York Avenue, N.W.  
Washington, D.C. 20005

  
Angela L. Master